

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

#### ***Claim Rejections -35 U.S.C. § 102***

The Office Action rejected claims 1, 9, 10, 13 and 16 under 35 U.S.C. § 102(b) as being anticipated by McLeod. Applicant respectfully traverses the rejection.

McLeod teaches a packer that can be put into place in a section of a well tubing or a casing close to a master valve using an installation and retrieval tool. The packer is attached in a removable way to a mandrel of the retrieval tool. The mandrel is movable axially through a sealing adapter mounted on the master valve. This movement is actuated by either hydraulic cylinders or screw jacks connected between the top of the mandrel and the sealing adapter (column 2, lines 10-17). The tool 34 includes two hydraulic cylinders which have the cylinder ends affixed to an upper beam 3 and the rod ends fixed to a lower beam 11 (column 3, lines 17-20). As can be seen in the figures 1-5, a bottom of the cylinder ends is connected to the upper beam 3.

Because the bottom of the cylinder ends are connected to the upper beam 3, the McLeod cylinders do not provide unobstructed access to a top end of the tubular as recited by claim 9 prior to amendment. For at least this reason, it is respectfully submitted that claims 9 and 10 are not anticipated by McLeod.

Claim 13 calls for an elongated sidewall that permits reciprocation of a tubing hanger therethrough. The expressed purpose of McLeod is, however, to place a packer close to a master valve using an installation and retrieval tool. As should be understood by those skilled in the art, a tubing hanger cannot be removed through a master valve. Thus, it appears in McLeod that a tubing hanger could not pass through master valve 41 or the correspondingly sized sealing adapter 10. It is therefore respectfully submitted that claims 13 and 16 are not anticipated by McLeod.

Nonetheless, claims 1, 9 and 13 are amended to accord with the description and to facilitate prosecution of the present application. As amended, claims 1, 9 and 13 respectively

recite that ram ends of the at least two hydraulic cylinders are connected to the anchor spool and respective tops of the cylinder ends are connected to the bottom of the tool support structure, as shown in the drawings and described in the specification as originally filed.

This is neither taught nor suggested by McLeod. The rejection of claims 1, 9, 10, 13 and 16 is thereby traversed.

### ***Claim Rejections -35 USC § 103***

The office action rejected claims 2, 4, 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over McLeod in view of Townsend.

As noted above, McLeod fails to disclose an axial passage having a diameter large enough for a tubing hanger. In any event, no combination of McLeod and Townsend teaches or suggests the subject matter claimed in amended claims 1, 9 and 13. The rejection of claims 2, 4, 12 and 16 is thereby traversed.

With respect to claim 5, 14 and 15 the arguments set forth above with respect to claims 1, 9 and 13 apply and the rejections of claims 5, 14 and 15 are traversed.

### ***Allowable Subject Matter***

Applicant gratefully acknowledges the allowance of claims 18-20. Applicant also gratefully acknowledges that claims 3, 6-8, 11 and 17 were objected to but would have been allowable if rewritten in independent form.

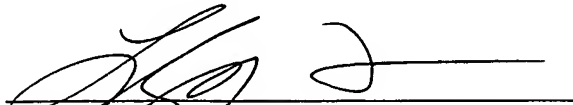
However, in view of the amendments to claims 1, 9 and 13 for reasons set forth above in detail, each of claims 1-20 that remain pending in this application are considered to be in a condition for allowance.

Allowed claims 18 and 19 are amended to include language that accords with the amendments made to claims 1, 9 and 13. Claim 6 is amended to accord with the amendments to claim 1.

In view of these amendments, this application is now considered to be in a condition for immediate allowance. Favourable reconsideration and early issuance of a Notice of Allowance is therefore requested.

Respectfully submitted,

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& SCARBOROUGH, L.L.P.

A handwritten signature in black ink, appearing to read 'Lloyd G. Farr', is written over a horizontal line.

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